

REMARKS

The pending independent claims are claims 2, 10, 12, 14, and 25. The final Office Action withdraws all of the pending claims, except for rejected claim 2, from consideration. The final Office Action cites 37 CFR § 1.145 and MPEP § 821.03.

Applicant respectfully submits that the final Office Action is premature, and ought to be withdrawn, under MPEP § 706.07(e). The final Office Action has incorrectly imposed an election/restriction requirement with respect to claim 26, which the final Office Action says is directed to an independent and distinct invention. However, claim 26 depends from claim 2, and claim 26 is not distinct and independent from claim 2, as required by 37 CFR § 1.145 and MPEP § 821.03. Independent claim 2 has not been withdrawn from consideration, but claim 26 depending therefrom has been withdrawn from consideration by the present Office Action, and Applicant respectfully submits that this error renders the final Office Action premature. Withdrawn claim 26 does not contain any limitation regarding a “change of address,” which is the reason provided in the final Office Action for the withdrawal of claim 26.

Applicant has not received any action on the merits of claim 26. Applicant therefore respectfully requests an action on the merits of claim 26, which was mistakenly withdrawn by the final Office Action.

“Change of Address” Limitation Is Now Deleted From All Claims But 25 and 27

Independent claims 10, 12, and 14 are amended to eliminate the “change of address” feature that the final Office Action contends is a reason for withdrawing those claims. Thus, this “change of address” feature only remains in claim 25, and in new claim 27. Moreover, the claim dependencies are now changed so that no claims now depend from claim 25.

New claim 27 makes clear that the name information refers to a different identification data for obtaining the packet of service components if a change of address of the identification data occurs. Thus, new claim 27 has the same features as claim 10, as claim 10 stood prior to the present amendment.

Traversal of Withdrawal of Claims

Applicant respectfully traverses the withdrawal of claims, including the withdrawal of claim 25. Claim 25 states that a “change of address occurs.” The preamble of claim 25, like the originally filed preamble of claim 2, says that claim 25 involves a “method of addressing.” The “change of address” limitation in claim 25 is not independent and distinct from what was previously claimed.

The final Office Action states that this “change of address” limitation renders the withdrawn claims “independent of distinct from the invention originally claimed.” However, the word “independent” in 37 CFR § 1.145 and MPEP § 821.03 means that “there is no disclosed relationship between the two or more subjects disclosed.” 35 USC § 121; *Chisum on Patents* 4A:12.03[1]. The “change of address” limitation is certainly not independent of the previously claimed material, because there is a disclosed relationship, and indeed a very close relationship. This relationship appears in claim 25 itself, and is also discussed at page 6, lines 11-22 of the application.

As to distinctness, Applicant respectfully submits that claim 25, including the “change of address” limitation, does not (1) fall into a separate classification, does not (2) have a separate status in the art, and (3) does not fall into a different field of search. See *Chisum on Patents* 4A:12.03[2]. A restriction should only be required if one or more of these three reasons are present. In the present situation, none of these reasons are present, nor does the final Office Action assert that any of them are present.

The amendment of June 24, 2004 did not insert any new matter or any new invention into the claims. Applicant stated at page 11 of the remarks dated June 24, 2004 as follows:

“Up until now, the independent claims of the present application have not explicitly said anything about a change of address, and yet this is one of the essential situations where the present invention improves upon the prior art, as explained at page 6, lines 11-22 of the application. Applicant now adds a new independent claim 25, the first part of which

is exactly the same as claim 1 in Applicant's response of January 30, 2002 except that two additional "wherein" clauses are added at the end of the claim. These new limitations introduce no new matter and are fully supported by the specification (e.g. see page 1, line 10; page 6, lines 11-15; page 7, lines 26-28)."

These remarks, as well as the portion of the application to which they refer, make clear that a change of address is performed in the prior art, and Applicant respectfully submits that combining this feature with the present invention does not result in any different invention within the meaning of 37 CFR § 1.145 and MPEP § 821.03. Instead, inserting this feature into present claims 25 and 27 helps to explain the present invention.

Claim 2 Should Be Allowed

Claim 2 stands rejected as obvious from *Teresawa* (U.S. Patent No. 6,147,714) in view of Admitted Prior Art (APA at page 6, lines 1-10 of the application), and *Eyer* (U.S. Patent No. 5,982,445).

Claim 2 was the only claim rejected by the final Office Action. Applicants respectfully submit that claim 2 should be allowed, for the reasons described in the remarks provided on June 24, 2004 which are incorporated herein by reference, including the following reason.

Applicants never admitted that APA on page 6, lines 1-10 did anything more than identify a problem with existing data transmission streams, and accordingly it was never admitted or intended to represent the knowledge of the prior art. The applicants again respectfully deny that he tried or intended to give such a description of the prior art. Therefore, the passage of page 6 identified above does not in any way represent the knowledge of the person skilled in the art. Applicants tried to make this clear in the remarks filed June 24, 2004 (see page 9 of those remarks), but nevertheless it appears from the present final Office Action that "APA" is incorrectly relied upon very considerably to reject present independent claim 2.

In Addition to Not Being Withdrawn Claim 25 Should Be Allowed

As discussed at page 6 of the application as originally filed (lines 11-22), a principle problem of the prior art is that data recipients will find it difficult to cope with a situation in which data undergoes a change-of-address. The address may change, for example, due to a reconfigured network path, but may also change for other reasons. New claim 25 addresses this change-of-address feature.

Consider this analogy. Suppose a particular Associated Press news story is available via www.news.google.com from a variety of different URLs (corresponding to a variety of different newspapers). However, that set of URLs changes over time because some newspapers may only offer free news for up to 24 hours, whereas other newspapers may only offer free news after 48 hours. For the user, it is desirable to be able to simply memorize or bookmark an identifying name for the particular Associated Press story, and then simply enter that identifying name to obtain the story from whatever newspaper URL can provide it via www.news.google.com. The service will be slightly different depending upon which online newspaper is used, because the AP article will be accompanied by different advertisements and different links.

Likewise, let us consider MPEG data transmission. With an increasing number of companies worldwide providing digital video content, a particular service (e.g. a movie) may be received via a customer's cable connection or satellite dish, but originating from a set of multiple and possibly redundant sources that change over time. For example, suppose a customer pays for digital TV service, and the customer wants to watch the CBS Evening News of April 1, 2004. The customer's cable or satellite provider makes that news program available via different sources at different times (i.e. via different local CBS affiliates), and yet the customer does not care what source is used as long as the customer can watch this particular news program. The customer does not care if the desired data comes from program service provider A, B, C, D, or E and does not care if it comes from broadcasting station 12a or 12b (see FIG. 2a of present application).

So, according to the present invention, the customer will be able to simply enter something like “CBS: News: April 4, 2004” and thereby obtain the desired content if it is available from an otherwise arbitrary resource having an arbitrary location. The only difference in the content might be that the commercials would be different, depending upon what local CBS affiliate feeds this program. As discussed at page 7 of the application, lines 26-28, this makes it possible to make direct references from one service to other services, all of which provide a particular packet of service components (see page 1, lines 10-12).

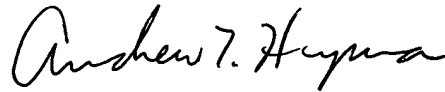
Up until now, the independent claims of the present application have not explicitly said anything about a change of address, and yet this is one of the essential situations where the present invention improves upon the prior art, as explained at page 6, lines 11-22 of the application. Applicants now add a new independent claim 25, the first part of which is exactly the same as claim 1 in Applicants’ response of January 30, 2002 except that two additional “wherein” clauses are added at the end of the claim. These new limitations introduce no new matter and are fully supported by the specification (e.g. see page 1, line 10; page 6, lines 11-15; page 7, lines 26-28).

CONCLUSION

Applicants respectfully submit that the amended claims of the present application define patentable subject matter and are patentably distinguishable over the cited references for the reasons explained. The rejections of the non-final Official Action having been shown to be inapplicable, retraction thereof is requested, and early passage of the pending claims to issue is earnestly solicited.

Applicants would appreciate if the Examiner would please contact Applicants' attorney by telephone, if that might help to speedily dispose of any unresolved issues pertaining to the present application.

Respectfully submitted,



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